

FILED: July 1, 2009

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

No. 09-1272
(1:07-cv-00135-DLH)

JAMES DAVID MOSS; JAMES LLOYD MOSS; MARTHA GEAN MOSS,

Plaintiffs - Appellants

v.

SCOTT SUTTON, Individually and as Chief of the Maggie Valley Police Department; JEFFREY N MACKEY, Individually and as an Officer of the Maggie Valley Police Department; TOWN OF MAGGIE VALLEY; R. THOMAS ALEXANDER, as Sheriff of the Haywood County Sheriff's Department; DAVID FRANCIS,

Defendants - Appellees

and

BRIAN E SIZEMORE, Individually and as a Deputy of the Haywood County Sheriff's Department; MAGGIE VALLEY POLICE DEPARTMENT; HAYWOOD COUNTY SHERIFF'S DEPARTMENT; HAYWOOD COUNTY,

Defendants

O R D E R

Upon consideration of the stipulated motion to dismiss, the Court dismisses this appeal, upon such terms as have been agreed

to by the parties, pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk